

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

CHERYL MARIE REYNOLDS

Respondent

Case No. 2012-655

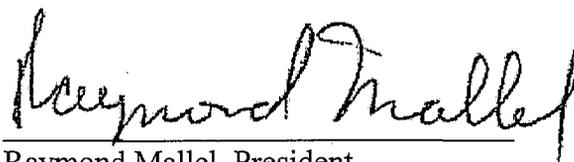
OAH No. 2012051080

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Repeval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 11, 2013**.

IT IS SO ORDERED **December 12, 2012**.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues:

13 **Cheryl Marie Reynolds**

14 Respondent.

Case No. 2012-655
OAH No. 2012051080

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER FOR PUBLIC**
17 **REPROVAL**

[Bus. & Prof. Code § 495]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Interim Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Diann Sokoloff, Supervising Deputy Attorney General.

25 2. Respondent Cheryl Marie Reynolds (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about July 19, 2011, the Board of Registered Nursing, Department of
28 Consumer Affairs, received an application for a Registered Nurse License from Cheryl Marie
Reynolds (Respondent). On or about July 15, 2011, Respondent certified under penalty of

1 perjury to the truthfulness of all statement, answers, and representations in the application. The
2 Board denied the application on October 5, 2011.

3 **JURISDICTION**

4 4. Statement of Issues No. 2012-655 was filed before the Board of Registered Nursing
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Statement of Issues and all other statutorily required documents were properly served on
7 Respondent on April 23, 2012. A copy of Statement of Issues No. 2012-655 is attached as exhibit
8 A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Statement of Issues No. 2012-655. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order for Public Repeval.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
16 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
17 to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Statement of
24 Issues No. 2012-655.

25 9. Respondent agrees that her Registered Nurse License, if issued, is subject to
26 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s probationary
27 terms as set forth in the Disciplinary Order below.
28

1 CIRCUMSTANCES IN MITIGATION

2 10. Respondent Cheryl Marie Reynolds has never been the subject of any disciplinary
3 action. She is admitting responsibility at an early stage in the proceedings.

4 CONTINGENCY

5 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
7 Registered Nursing may communicate directly with the Board regarding this stipulation and
8 settlement, without notice to or participation by Respondent. By signing the stipulation,
9 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for
12 Public Repeval shall be of no force or effect, except for this paragraph, it shall be inadmissible in
13 any legal action between the parties, and the Board shall not be disqualified from further action
14 by having considered this matter.

15 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
16 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the
17 same force and effect as the originals.

18 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
19 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
20 of their agreement. It supersedes any and all prior or contemporaneous agreements,
21 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
22 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
23 supplemented, or otherwise changed except by a writing executed by an authorized representative
24 of each of the parties.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

1 DISCIPLINARY ORDER

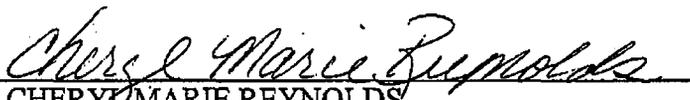
2 IT IS HEREBY ORDERED that the Respondent's application for licensure is hereby
3 granted and a license shall be issued to Respondent upon successful completion of all licensing
4 requirements. The license, however, shall be immediately publicly reprovod upon issuance, by
5 way of letter from the Board's Interim Executive Officer. The letter shall be in the same form as
6 the letter attached as Exhibit B to this stipulation.

7 ACCEPTANCE

8 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repraval.
9 I understand the stipulation and the effect it will have on my Registered Nursing License. I
10 enter into this Stipulated Settlement and Disciplinary Order for Public Repraval voluntarily,
11 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
12 Registered Nursing.

13 DATED:

8-16-2012



14 CHERYL MARIE REYNOLDS
15 Respondent

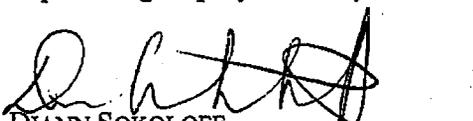
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order for Public Repraval is hereby
18 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
19 Consumer Affairs.

20 Dated:

Respectfully submitted,

21 KAMALA D. HARRIS
22 Attorney General of California
23 DIANN SOKOLOFF
24 Supervising Deputy Attorney General


25 DIANN SOKOLOFF
26 Supervising Deputy Attorney General
27 *Attorneys for Complainant*

28 SF2012401107
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Exhibit A

Statement of Issues No. 2012-655

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 State Bar No. 161082
1515 Clay Street, 20th Floor
4 P.O. Box 70550
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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues
Against:

Case No. 2012-655

STATEMENT OF ISSUES

11 **Cheryl Marie Reynolds**
12 **aka Cheryl Marie Beebe**

13 **Respondent.**

14
15 Complainant alleges:

16 PARTIES

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
18 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
19 Department of Consumer Affairs.

20 2. On or about July 19, 2011, the Board of Registered Nursing, Department of
21 Consumer Affairs received an application for a Registered Nurse License from Cheryl Marie
22 Reynolds (Respondent). On or about July 15, 2011, Cheryl Marie Reynolds certified under
23 penalty of perjury to the truthfulness of all statements, answers, and representations in the
24 application. The Board denied the application on October 5, 2011.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 a. On or about August 15, 2010, Respondent was arrested for being under the
2 influence of alcohol.

3 b. On or about October 22, 2010, Respondent was sentenced to serve three years
4 probation, ordered to attend and complete the First Offender Alcohol Program, required to obey
5 all laws, submit to a chemical test as directed by law enforcement, and pay restitution in the
6 amount of \$3,540.33.

7
8 SECOND CAUSE FOR DENIAL OF APPLICATION
(Unprofessional Conduct - Use of Alcohol)

9 10. Respondent's application is subject to denial under Code section 2761, subdivision
10 (a) on the grounds of unprofessional conduct in that on or about August 15, 2010, she was
11 arrested for being under the influence of alcohol as set forth in paragraph 9, subparagraph (a),
12 above.

13 THIRD CAUSE FOR DENIAL OF APPLICATION
(Committed Acts Which Constitute Grounds for Discipline)

14 11. Respondent's application is subject to denial under Code section 480, subdivision
15 (a)(3), in that Respondent committed acts which if done by a licentiate of the profession would
16 constitute grounds for discipline. Respondent's conduct as determined in paragraph 9, above,
17 constitutes grounds for discipline under Code section 2761, subdivision (a) (unprofessional
18 conduct) in conjunction with section 2761, subdivision (f) (conviction of a substantially related
19 offense), and 2762, subdivisions (b) (dangerous use of alcohol) and (c) (conviction of a crime
20 involving consumption of alcohol).

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Denying the application of Cheryl Marie Reynolds for a Registered Nurse License;

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2. Taking such other and further action as deemed necessary and proper.

DATED: April 23, 2012

for Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2012401107
statement of issues.rtf

Exhibit B

Letter of Public Reapproval in Case No. 2012-655



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



December 12, 2012

Cheryl Marie Reynolds
P O Box 71
Phillipsville, CA 95559

RE: **LETTER OF PUBLIC REPROVAL**
In the Matter of the Statement of Issues Against:
Cheryl Marie Reynolds

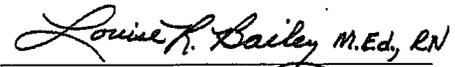
Dear Ms. Reynolds:

On April 23, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues after the Board of Registered Nursing denied your application for a Registered Nursing License. The Statement of Issues alleged that the Board properly denied your application for a license because you violated Business and Professions Code sections 480, subdivision (a)(1) and 2761, subdivision (f), for being convicted of a crime; Business and Professions Code section 2761, subdivision (a), for unprofessional conduct; and Business and Professions Code section 480, subdivision (a)(3), for committing acts which constitute grounds for discipline. Specifically, on or about October 22, 2010, you were convicted of violating Vehicle Code section 23152, subdivision (b), for driving while having a .08 percent or higher blood alcohol level.

Taking into consideration that this is a single DUI, you have committed no other acts which would form a basis for discipline, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California